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DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
200 STOVALL STREET
ALEXANDRIA VA 22332 2300

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Ser 111A/96-198
14 NOV 96

From: Commander, Naval Facilities Engineering Command

Subj: AFFIRMATIVE PROCUREMENT PROGRAM FOR ITEMS CONTAINING
RECOVERED MATERIALS (54-96)

Ref: (a) NAVFAC Policy Memo (15-96) Ser 111A/96-89 of
13 Mar 96

Encl: (1) OASN(RD&A) (A&BM) memo of 05 Sep 96

1. Affirmative procurement programs are designed to foster markets for recovered materials and reduce the amount of solid waste requiring disposal by maximizing the Federal government's purchases and use of products containing those materials. The establishment of an affirmative procurement program is a statutory requirement and must be implemented to the maximum extent practicable.

2. As required by reference (a), enclosure (1) provides interim guidance for implementing a DON affirmative procurement program. The local Commander/Commanding Officer should ensure that all technical and acquisition personnel are informed about their responsibilities under this program. Please note that a decision to purchase an EPA-designated item which does not meet the EPA recovered materials standards requires a written determination and approval.

J. D. Schneider
J. D. SCHNEIDER
By direction



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

5 Sep 1996

MEMORANDUM FOR DISTRIBUTION

Subj: AFFIRMATIVE PROCUREMENT PROGRAM FOR ITEMS CONTAINING
RECOVERED MATERIALS

Ref: (a) The Solid Waste Disposal Act, as amended by the Resource Conservation
and Recovery Act of 1976, as amended, 42 U.S.C 6962
(b) Executive Order 12873 of October 20, 1993, 58 Fed. Reg. 54911, as
amended by Executive Order 12995 of March 25, 1996, 61 Fed. Reg. 13645
(c) Federal Acquisition Regulation, Part 23
(d) ASN(RD&A) memorandum of 14 February 1996, subj: DRAFT
SECNAVINST 4100.xx, Incorporating Recovered Materials In
Technical Specifications and Requirements Documents

Encl: (1) Interim DoN Affirmative Procurement Program

References (a), (b), and (c) require Federal agencies to establish affirmative procurement programs for certain items containing recovered materials. The purpose of affirmative procurement programs is to foster markets for recovered materials by maximizing the Federal government's purchases of items containing those materials. A secondary objective is to reduce the amount of solid waste requiring disposal through the purchase and use of items containing recovered materials.

On 14 February 1996, ASN (RD&A) distributed a draft SECNAVINST, reference (d), for review and comment by DoN activities. The draft SECNAVINST proposed guidance for incorporating requirements for products containing recovered material and the establishment of a DoN affirmative procurement program as required by references (a) through (c). We are nearing completion of the analysis of the comments received; however, in view of the lengthy process of coordinating and publishing a SECNAVINST, we have determined that the issuance of interim guidance is warranted. Enclosure (1) provides the Interim DoN Affirmative Procurement Program pending completion and issuance of a SECNAV instruction or other appropriate implementing document.

The establishment of a DoN affirmative procurement program is a statutory requirement and must be implemented throughout the Department to the maximum extent practicable. Accordingly, request distribution of this memorandum to all appropriate requiring and contracting activities.

Elliott B. Branch
Executive Director
Acquisition and Business
Management

Subj: AFFIRMATIVE PROCUREMENT PROGRAM FOR ITEMS CONTAINING
RECOVERED MATERIALS

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**INTERIM
DEPARTMENT OF THE NAVY
AFFIRMATIVE PROCUREMENT PROGRAM**

- Ref:
- (a) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C 6962
 - (b) Comprehensive Guideline for Procurement of Products Containing Recovered Materials; Final Rule, 40 CFR 247
 - (c) Recovered Materials Advisory Notice, 60 Fed. Reg. 21386
 - (d) Executive Order 12873 of October 20, 1993, 58 Fed. Reg. 54911, as amended by Executive Order 12995 of March 25, 1996, 61 Fed. Reg. 13645
 - (e) Federal Acquisition Regulation, Subpart 23.4-Use of Recovered Materials

1. Purpose. To establish the INTERIM Department of the Navy (DoN) Affirmative Procurement Program.

2. Discussion

a. The Resource Conservation and Recovery Act (RCRA) (reference (a)), acknowledges the importance of recycling materials in managing the nation's solid waste and requires a purchasing program to stimulate the demand for items made with recovered materials. RCRA also requires the Environmental Protection Agency (EPA) to issue guidelines and to recommend practices to assist procuring agencies in purchasing items EPA has designated as being made with or which can be made with recovered materials.

b. Once an item is designated by EPA, agencies are required to purchase it or its functional equivalent. The requirement to purchase EPA-designated items applies to each activity and to any person contracting with the activity with respect to work performed under such contract. Reference (c) lists EPA-designated items and reference (d) provides EPA purchasing recommendations.

c. Executive Order 12873, as amended (reference (d)), calls for an expedited process to increase the federal government's use of items made with recovered materials. It also calls for shared responsibilities between requiring and contracting personnel. The Federal Acquisition Regulation (FAR) (reference (e))¹, implements the recovered material purchase requirements of RCRA and Executive Order 12873.

3. Requirements. As required by references (a), (d), and (e), the DoN Affirmative Procurement Program requirements are set forth below.

¹The RCRA applicability threshold, i.e., where the purchase price of the item exceeds \$10,000, or where the quantity of such items or of functionally equivalent items purchased during the preceding fiscal year was \$10,000 or more, applies to a "procuring agency" (interpreted by EPA and others to mean DoD). Thus for all practical purposes there is no applicability threshold for DoN activities for purchasing EPA-designated items.

ENCLOSURE(1)

a. Recovered Material Preference Program. The DoN recovered material preference program is embodied in the "buy or justify" concept for EPA-designated items.

(1) The minimum content standard for EPA-designated items shall be incorporated into technical specifications, requirements, and requisition documents. Attachment (1) lists the current items that EPA has designated as being made with or which can be made with recovered materials, as well as the minimum content of recovered material content for these items.²

(2) A decision to purchase an EPA-designated item which does not meet the EPA recovered materials standards requires a written determination and approval.

(3) The DoN approving official is:

(a) A general or flag officer, or a member of the Senior Executive Service, of the requiring activity; or

(b) For requiring activities without a general or flag officer, or a member of the Senior Executive Service, the commander of the requiring activity. For acquisition programs, the program manager shall be considered the same as commander of the requiring activity.

(4) An approval to purchase an item which does not meet the EPA guideline shall be based on a written determination of at least one of the following:

(a) The requiring office, except as provided in 3a(5) below, determines that the item does not meet performance standards; or

(b) The contracting officer determines that:

(1) The item is not available within a reasonable period of time;

(2) The item is only available at an unreasonable price; or

(3) The item is not available from a sufficient number of sources to maintain a satisfactory level of competition.

(5) For printing and writing paper meeting the standards of reference (d), the contracting officer shall make the determination under subparagraph 3a(4)(a).

(6) Approvals and determinations shall be part of the contract file.

² As EPA designates additional items required to be purchased with recovered materials, the newly designated items and their required recovered material content will be available via the internet at: <http://www.cfrs.nvi.net:80/> or on the ASN(RD&A)ABM Acquisition Environmental Policy Homepage (<http://www.abm.rda.hq.navy.mil>).

b. Promotion Program. DoN activities shall establish internal and external promotion methods.

(1) Internal. Internal promotion educates employees about the DoN Affirmative Procurement Program. Examples of internal promotion are preparing and distributing the requirements of this Interim Affirmative Procurement Program; publishing articles in newsletters and publications; incorporating Affirmative Procurement Program requirements in staff manuals; and conducting workshops and training sessions to educate employees about their responsibilities under the DoN Affirmative Procurement Program.

(2) External. External promotion consists of educating existing contractors and potential bidders as to the DoN preference for purchasing products containing recovered materials. Examples of external promotion are publishing articles in appropriate trade publications; participating in vendor shows and trade fairs; placing statements in solicitations; and discussing Affirmative Procurement Program requirements at bidders' conferences.

c. Estimation, Certification, Verification Program. Reference (e) contains guidance and prescribes solicitation provisions and contract clauses for use when the contract contains a requirement for an EPA-designated item. The contract provision and clauses require contractor estimates and certifications regarding percentages of recovered materials to be used or used in contractor performance.³ DoN contracting activities authorized to retain contract administration should refer to FAR Part 42 which contains contract administration verification responsibilities.

d. Annual Review and Monitoring Program. Awareness of and compliance with the requirements of this DoN Affirmative Procurement Program will be included as a special interest item on command inspections and environmental compliance evaluations.

4. Effective Period. This Interim DoN Affirmative Procurement Program shall remain in effect until superseded by a SECNAV instruction or other appropriate implementation document.

ATTACHMENT:

1. Preference Standards for EPA Designated Items

³DoN contracting officers, when including FAR Clause 52.223-9 in a contract, shall insert the following address in paragraph (b) of the clause:

Commanding Officer
Naval Facilities Engineering Service Center
Code 432WE
560 Center Drive
Port Hueneme, CA 93043-4328

PREFERENCE STANDARDS FOR EPA-DESIGNATED ITEMS

A--Paper and Paper Products

Table A-1: Selected paper and Paper Products

B--Vehicular Products

Table B-1--Lubricating Oil.

Table B-2--Retread Tires.

Table B-3--Engine Coolants.

C--Construction Products

Table C-1--Building Insulation.

Table C-2--Structural Fiberboard and Laminated Paperboard.

Table C-3--Cement and Concrete.

Table C-4--Carpet.

Table C-5--Floor Tiles and Patio Blocks.

D--Transportation Products

Table D-1--Temporary Traffic Control Devices.

E--Park and Recreation Products

Table E-1--Playground Surfaces and Running Tracks.

F--Landscaping Products

Table F-1--Hydraulic Mulch.

Table F-2--Yard Trimmings Compost.

G--Non-Paper Office Products

Table G-1--Office Recycling Containers and Office Waste Receptacles.

Table G-2--Plastic Desktop Accessories.

Table G-3--Binders

Table G-4--Plastic Trash Bags

H--Definitions for DoN Affirmative Procurement Program

A. Preference Standards for Paper and Paper Products

Table A-1: Minimum Content Standards for Selected Paper and Paper Products

Item	Minimum Percent Postconsumer Materials*	Minimum Percent Recovered Waste Materials Byproducts*	Minimum Percent Postconsumer Recovered Materials
Newsprint			40
High Grade Bleached Printing and Writing Paper:			
Offset printing	20	50	
Mimeo and duplicator paper	20	50	
Writing (stationery)	20	50	
Office paper (e.g., note pads)	20	50	
Paper for high-speed copiers	20	50	
Envelopes	20	50	
Form bond including computer paper and carbonless	20	50	
Book papers	20	50	
Bond papers	20	50	
Ledger	20	50	
Cover stock	20	50	
Cotton fiber paper	20	50	
*Minimum postconsumer materials content standard increases from 20 to 30 percent effective December 31, 1998. An alternative to meeting the above standard is: 50 percent recovered waste materials byproducts.			
Tissue Products:			
Toilet tissue			20
Paper towels			40
Paper napkins			30
Facial tissue			5
Doilies			40
Industrial wipers			0
Unbleached Packaging:			
Corrugated boxes			35
Fiber boxes			35
Brown papers (e.g., bags)			5
Recycled Paperboard:			
Recycled paperboard products including folding cartons			80
Pad backing			90

B. Preference Standards for Vehicular Products

Table B-1: Minimum Content Standards for Lubricating Oils Containing Re-Refined Oil

Military Specifications for Lubricating Oils	Minimum percent Re-Refined Oil
Engine Lubricating Oils <ul style="list-style-type: none"> A-A-52039--Commercial Item Description. Lubricating Oil. Automotive Engine. API Service SH (replaced MIL-L-46152E, Lubricating Oil, Internal Combustion Engine, Administrative Service) API Engine Service Category SF-1980 Gasoline Engine Warranty Maintenance Service (or current category) A-A-52306--Commercial Item Description. Lubricating Oil. Heavy-Duty Diesel Engine (for wheeled vehicles only) API Engine Service Category CC--Diesel Engine Service (or current category) MIL-L-2104, Lubricating Oil, Internal Combustion Engine, Combat/Tactical Service API Engine Service Category CD--Diesel Engine Service (or current category) MIL-L-21260D (or current version)--Lubricating Oil, Internal Combustion Engine, Preservative and Break-in MIL-L-46167B (or current version)--Lubricating Oil, Internal Combustion Engine, Arctic 	25% for all Engine Lubricating Oils
Hydraulic Fluids <ul style="list-style-type: none"> MIL-H-5606E (or current version)--Hydraulic Fluid, Petroleum Base, Aircraft, Missile, and Ordnance MIL-H-6083E (or current version)--Hydraulic Fluid, Petroleum Base, For Preservation and Operation 	25% for all Hydraulic Fluids
Gear Oils <ul style="list-style-type: none"> MIL-L-2105D (or current version) Lubricating Oil, Gear, Multipurpose 	25% for all Gear Oils

Copies of the military specifications can be obtained from: Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120.

Table B-2: EPA/GSA Retread Tire Specifications

Item	Specification
Retreading Services for used tire casings Passenger Car, Light Truck, and Truck/Bus Tires	ZZ-T-441H (or current version)
Retread Tires Pneumatic Industrial Tire	<ul style="list-style-type: none"> ZZ-T-381 "Tires, Pneumatic, Vehicular (highway) (New and Retreaded) Listed on Qualified Products List QPL-ZZ-T-381

Note: Bidders for retreading services and competitive procurements between vendors of new tires and vendors of retread tires should be required to submit a copy of their current certification under the U.S. General Services Administration (GSA), Federal Tire Program's Quality Assurance Facility Inspection Program (QAFIP).

B-3--Reclaimed Engine Coolant

Activities whose vehicles are serviced by a motor pool or vehicle maintenance facility should establish a program for engine coolant reclamation and reuse. Activities should also request reclaimed engine coolant when having their vehicles serviced at commercial service centers. Engine coolant containing only one base chemical, typically ethylene glycol or propylene glycol, should be purchased to prevent the commingling of incompatible types of coolant.

C. Preference Standards for Construction Products

Table C-1: Minimum Content Standards for Building Insulation Products

Insulation Material	Recovered Materials and Percent
Rock Wool	Slag - 75
Fiberglass	Glass cullet - 20 -to-25
Cellulose loose-fill and spray-on	Postconsumer paper - 75
Perlite composite board	Postconsumer paper - 23
Plastic Rigid Foam Polyisocyanurate/polyurethane Rigid foam	Recovered material - 9
Foam-in-place	Recovered material - 5
Phenolic rigid foam	Recovered material - 5
Glass fiber reinforced	Recovered material - 6

Note: Recovered materials content levels are based on the weight (not volume) of materials in the insulating group only. Activities should reference ASTM standard specification D 5359, "Glass Cullet Recovered from Waste for Use in Manufacturing of Glass Fiber" in Invitations for Bid and Requests for Proposal.

Table C.2: Minimum Content Standards for Structural Fiberboard and Laminated Paperboard

Product	Postconsumer Recovered Paper (Percent)	Total Recovered Materials Content (Percent)
Structural fiberboard		80-to-100
Laminated paperboard	100	100

Note: Activities should use ASTM Standard Specification C 208 and ANSI/AHA specification A194.1. When purchasing structural fiberboard products containing recovered paper, activities should (1) reference the technical requirements ASTM C 208, "Insulating Board (Cellulosic Fiber), Structural and Decorative," (2) permit structural fiberboard products made from recovered paper where appropriate, and (3) permit products such as floor underlayment and roof overlay containing recovered paper.

C-3-- Cement and Concrete

Activities should prepare or revise their procurement programs for cement and concrete or for construction projects involving cement and concrete to allow the use of coal fly ash or ground granulated blast furnace slag (GGBF slag), as appropriate. One material is not favored over the other. The use of both recovered materials should be considered and selection based on the one that meets performance requirements, consistent with availability and price considerations. Provisions in all construction contracts should allow for the use, as optional or alternate materials, of cement or concrete which contains coal fly ash or GGBF slag, where appropriate.

Table C-3: Specifications for Cement and Concrete
Containing Recovered Materials

Cement Specifications	Concrete Specifications
ASTM C 595, "Standard Specification for Blended Hydraulic Cements."	ASTM C 618, "Standard Specification for Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete."
ASTM C 150, "Standard Specification for Portland Cement."	ASTM C 311, "Standard methods of Sampling and Testing Fly Ash and Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete."
AASHTO M 240, "Blended Hydraulic Cements."	ASTM C 989, "Ground Granulated Blast-Furnace Slag for Use in Concrete Mortars."
	American Concrete Institute Standard Practice ACI 226.R1, "Ground Granulated Blast-Furnace Slag as a Cementitious Constituent in Concrete."
	AASHTO M 302, "Ground Granulated Blast-Furnace Slag for Use in Concrete and Mortars."

Table C-4: Minimum Content Standards for Carpet

Product	Resin	Postconsumer Materials (Percent)
Polyester Carpet Face Fiber	PET	25-to-100

Table C-5: Minimum Content Standards for Floor Tiles and Patio Blocks

Product	Material	Postconsumer Material (Percent)	Total Recovered Materials (Percent)
Patio Blocks	Rubber or Rubber Blends Plastic or Plastic Blends	90-to-100	90-to-100
Floor Tiles (heavy duty/commercial use)	Rubber Plastic	90-to-100	90-to-100

D. Preference Standards for Transportation Products (Temporary Traffic Control Devices)

Table D: Minimum Content Standards for
Traffic Cones and Traffic Barricades

Product	Material	Postconsumer Materials (Percent)	Total Recovered Materials (Percent)
Traffic Cones	PVC, LDPE, Crumb Rubber		90-to-100
Traffic Barricades (Type I & II Only)	HDPE, LDPE, PET Steel	80-to-100	100
	Fiberglass		100

E. Preference Standards for Park and Recreation Products (Playground Surfaces and Running Tracks)

Table E: Minimum Contents Standards for
Playground Surfaces and Running Tracks

Product	Material	Postconsumer Recovered Materials (Percent)
Playground Surfaces	Rubber or Plastic	90-to-100
Running Tracks	Rubber or Plastic	90-to-100

F. Preference Standard for Landscaping Products

Table F-1: Minimum Content Standards for Hydraulic Mulch Products

Hydraulic Mulch Products	Recovered Materials and Percent
Paper-Based Hydraulic Mulch	Postconsumer Recovered Paper - 100
Wood-Based Hydraulic Mulch	Recovered Wood and/or Paper - 100

F-2: Yard Trimmings Compost

Activities should purchase or use compost made from yard trimmings, leaves, and/or grass clippings in such applications as landscaping, seeding of grass or other plants on roadsides and embankments, as nutritious mulch under trees and shrubs, and in erosion control and soil reclamation. Activities that have an adequate volume of yard trimmings, leaves, and/or grass clippings, as well as sufficient space for composting, should implement a composting system to produce compost from these materials to meet their landscaping and other needs.

Specifications for fertilizers and soil amendments should not contain language that would preclude or discourage the use of compost. For instance, if specifications address the use of straw or hay in roadside revegetation projects, activities should assess whether compost could substitute for straw or hay or be used in combination with them.

G. Preference Standards for Non-Paper Office Products

Table G-1: Minimum Content Standards for
Office Recycling Containers and Office Waste Receptacles

Product	Recovered Materials and Percent
Office Recycling Containers and Office Waste Receptacles	Plastic: 20-to-100 percent Postconsumer Recovered Materials Paper: Refer to Part A. Paper Products Steel: 20-to-100 Percent Total Recovered Materials

Table G-2: Minimum Content Standards for Plastic Desktop Accessories

Product	Postconsumer Recovered Materials and Percent
Plastic Desktop Accessories	Polystyrene: 25-to-80

Table G-3: Minimum Content Standards for Binders

Product	Recovered Materials and Percent
Plastic-Covered Binders (Plastic Covering)	Plastic: 25-to-50
Chipboard, Paperboard, or Pressboard Binders or Binder Components	Paper. Refer to Paper Products in Part A of DoN's Preference Standards

Table G-4: Minimum Content Standards for Plastic Trash Bags

Product	Postconsumer Recovered Materials and Percent
Plastic Trash Bags	Plastic: 10-to-100

H--DEFINITIONS

Minimum Content Standards means the minimum recovered materials content specifications as set by the EPA or Executive Order 12873 to ensure that the recovered materials content required is the maximum available without jeopardizing the intended end use of the item.

Postconsumer Material means a material or finished product whose life as a consumer item has concluded, and after having served its intended use is being discarded for disposal or recovery. "Postconsumer material" is a part of the broader category of "recovered materials."

Postconsumer Recovered Paper means:

- (1) paper, paperboard and fibrous wastes from retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item including: used corrugated boxes; old newspapers and magazines; mixed waste paper; tabulating cards and used cordage;
- (2) all paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste.

Recovered Materials means waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from, and commonly reused within, an original manufacturing process.

Recovered Waste Materials Byproducts means recovered materials that are a waste material byproduct of a finished product other than a paper or textile product which would be otherwise be disposed of in a landfill, as determined by the State in which the facility is located. (Also see definition of "recovered materials for purposes of paper and paper products" (40 CFR 247.3).)

Tire means passenger car tires, light- and heavy-duty truck tires, high-speed industrial tires, bus tires, and special service tires (including military, agricultural off-the-road, and slow-speed industrial).

Subj: AFFIRMATIVE PROCUREMENT PROGRAM FOR ITEMS CONTAINING
RECOVERED MATERIALS (54-96)

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